

## 2018 Current Fiscal Year Report: Advisory Committee on Private International Law

Report Run Date: 06/05/2019 04:10:13 PM

<b>1. Department or Agency</b>		<b>2. Fiscal Year</b>	
Department of State		2018	
<b>3. Committee or Subcommittee</b>		<b>3b. GSA Committee No.</b>	
Advisory Committee on Private International Law		165	
<b>4. Is this New During Fiscal Year?</b>	<b>5. Current Charter</b>	<b>6. Expected Renewal Date</b>	<b>7. Expected Term Date</b>
No	10/31/2017	10/31/2019	
<b>8a. Was Terminated During Fiscal Year?</b>	<b>8b. Specific Termination Authority</b>	<b>8c. Actual Term Date</b>	
No	22 U.S.C. 2656		
<b>9. Agency Recommendation for Next Fiscal Year</b>	<b>10a. Legislation Req to Terminate?</b>	<b>10b. Legislation Pending?</b>	
Continue	No	Not Applicable	
<b>11. Establishment Authority</b> Agency Authority			
<b>12. Specific Establishment Authority</b>	<b>13. Effective Date</b>	<b>14. Committee Type</b>	<b>14c. Presidential?</b>
Title 22 U.S.C. 269g, 2651a & 2656	01/01/1972	Continuing	No
<b>15. Description of Committee</b> Non Scientific Program Advisory Board			
<b>16a. Total Number of Reports</b>	No Reports for this Fiscal Year		
<b>17a. Open</b> 8	<b>17b. Closed</b> 0	<b>17c. Partially Closed</b> 0	<b>Other Activities</b> 0
<b>17d. Total</b> 8			

### Meetings and Dates

Purpose	Start	End
A public meeting (via teleconference) was held to discuss some of the legal issues surrounding the simplification of registration and incorporation of Micro, Small, and Medium-sized Enterprises, that will be discussed at the next UNCITRAL Working Group meeting.	10/12/2017	10/12/2017
A public meeting (via teleconference) was held to discuss the possible future work related to arbitration and conciliation in UNCITRAL.	10/17/2017	10/17/2017
The Advisory Committee held its annual meeting. The discussion focused on topics relevant to include, warehouse receipts, contractual networking, and possible future work in the private international law field.	10/31/2017	10/31/2017
A public meeting was held to discuss the pending online dispute resolution proposal in the Asia Pacific Economic Cooperation (APEC) forum.	11/01/2017	11/01/2017
A public meeting (via teleconference) was held to continue the discussion on the pending proposal on online dispute resolution in the Asia Pacific Economic Cooperation (APEC) forum	02/15/2018	02/15/2018
A public meeting (via teleconference) was held to continue the discussion on some of the legal issues surrounding the simplification of registration and incorporation of Micro, Small, and Medium-sized Enterprises, that will be discussed at the next UNCITRAL Working Group meeting.	02/20/2018	02/20/2018
A public meeting (via teleconference) on Security Interests was held to discuss the draft Practice Guide to the UNCITRAL Model Law on Secured Transactions.	04/26/2018	04/26/2018

**Number of Committee Meetings Listed: 8**

	<b>Current FY</b>	<b>Next FY</b>
<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$0.00	\$0.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$20,575.00	\$28,500.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$0.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$3,074.00	\$6,850.00
<b>18d. Total</b>	\$23,649.00	\$35,350.00
<b>19. Federal Staff Support Years (FTE)</b>	0.20	0.20

**20a. How does the Committee accomplish its purpose?**

The Advisory Committee accomplishes its purpose by assisting the State Department monitor domestic and international developments in private international law, and provides information to the Department for use in the development of United States positions for international efforts to negotiate uniform rules of private law by treaty, model national laws, and other means. The Advisory Committee assists in identifying subjects that the United States should propose or support as topics for international work, assessing the effects of proposed international rules on U.S. interests, provides guidance for the formation of United States positions, and provides guidance on implementation of treaties, model laws, or other international legal texts that result from such work. The Committee normally holds four or more or more issue-specific meetings per year. The Committee generally holds one meeting each year to discuss general topics.

**20b. How does the Committee balance its membership?**

The Committee reflects a balance of U.S. interests involved. Public participation at meetings is actively promoted. Federal members are by charter drawn from the Departments of State, Justice and Commerce and other agencies as appropriate. For other members, the Department undertakes to secure participation of individuals representing relevant opinions and interests relating to the Department's private international law agenda. Meetings and activities of the Committee are generally open allowing for all interested persons to participate. Public notice is provided for meetings. Members of the public who are unable to participate in a meeting are invited to provide input to the Department via other means.

## **20c. How frequent and relevant are the Committee Meetings?**

The Committee normally holds four or more issue-specific meetings per year. The Committee generally holds one meeting each year to discuss general topics.

## **20d. Why can't the advice or information this committee provides be obtained elsewhere?**

International development and unification of private law generally involves issues of interest to private persons as well as the U.S. states. Moreover, this work often includes particular matters familiar to private practitioners. Neither the Department of State nor other federal agencies can provide the legal expertise in the many fields of private law involved. There is thus a critical need for the public to provide input, which the Department may consider in the formulation of policy. Moreover, private sector review is often helpful following negotiation of conventions and model national laws in order for the Department or other federal agencies to be able to assess whether the United States may wish to consider becoming a party to any proposed treaty or otherwise adopt the relevant law. The Advisory Committee process provides an interactive means to obtain necessary private-sector expertise to perform these functions on an uncompensated basis. The Committee provides a forum that does not exist elsewhere, at minimal cost, which ensures both an effective governmental process and that public remain fully involved and informed.

## **20e. Why is it necessary to close and/or partially closed committee meetings?**

Committee meetings are generally open. However, the Department may decide to close a meeting where, for example, candid discussion is needed to develop a position on a sensitive policy.

## **21. Remarks**

Summary reports of any public meeting are available on the office website--  
<http://www.state.gov/s/l/c51521.htm>.

## **Designated Federal Officer**

Sharla K Draemel Attorney-Adviser for Office of Private International Law

<b>Committee Members</b>	<b>Start</b>	<b>End</b>	<b>Occupation</b>	<b>Member Designation</b>
Bloch, Peter	07/09/2017	12/31/2019	Office of General Counsel	Regular Government Employee (RGE) Member
Burman, Harold	07/09/2017	12/31/2019	Expert	Representative Member
Burrell, Elizabeth	07/09/2017	12/31/2019	Curtis, Mallet-Prevost, Colt & Mosle	Representative Member
Cobau, John	07/09/2017	12/31/2019	Office of General Counsel	Regular Government Employee (RGE) Member
Coffee, Michael	07/09/2017	12/31/2019	Office of the Legal Adviser	Regular Government Employee (RGE) Member

Cohen, Neil	07/09/2017	12/31/2019	Brooklyn Law School	Representative Member
Dennis, Michael	07/09/2017	12/31/2019	Office of the Legal Adviser; Executive Director	Regular Government Employee (RGE) Member
Draemel, Sharla	09/04/2018	12/31/2019	Office of the Legal Adviser	Regular Government Employee (RGE) Member
Elrod, Linda	07/09/2017	12/31/2019	Washburn University School of Law	Representative Member
Field, Richard	07/09/2017	12/31/2019	Law Office of Richard Field	Representative Member
Gabriel, Henry	07/09/2017	12/31/2019	Elon University	Representative Member
Henning, William	07/09/2017	12/31/2019	University of Alabama School of Law	Representative Member
Herrup, Paul	07/09/2017	12/31/2019	Office of Foreign Litigation	Regular Government Employee (RGE) Member
Keith, Robert	07/09/2017	12/31/2019	Office of the General Counsel/Children, Families, and Aging Division	Regular Government Employee (RGE) Member
Kizer, Karin	06/15/2018	12/31/2019	Office of the Legal Adviser	Regular Government Employee (RGE) Member
Kucinski, Melissa	07/09/2017	12/31/2019	MK family Law	Representative Member
Lamm, Carolyn	07/09/2017	12/31/2019	White and Case	Representative Member
Loken, Keith	07/09/2017	12/31/2019	Expert	Representative Member
Lowry, Houston	07/09/2017	12/31/2019	Brown & Welsh	Representative Member
Luddy, William	07/09/2017	12/31/2019	International Legal Committee	Representative Member
Mooney, Charles	07/09/2017	12/31/2019	University of Penn Law School	Representative Member
Pfund, Peter	07/09/2017	12/31/2019	Department of State-retired	Representative Member
Redmond, Christopher	07/09/2017	12/31/2019	Husch Blackwell Sanders, International Coordinating Committee	Representative Member
Schnabel, Timothy	07/09/2017	12/31/2019	U.S. Department of State, Private International Law	Regular Government Employee (RGE) Member
Schwartz, Charles	07/09/2017	12/31/2019	EGAT Bureau	Representative Member
Sebert, John	07/09/2017	07/09/2019	Executive Director ULC	Representative Member
Silberman, Linda	07/09/2017	12/31/2019	New York University School of Law	Representative Member
Smedinghoff, Tom	07/09/2017	12/31/2019	Wildman Harrold	Representative Member
Smeltzer, Patricia	07/09/2017	12/31/2019	Paralegal, Office of the Legal Adviser	Regular Government Employee (RGE) Member
Stewart, David	07/09/2017	12/31/2019	Georgetown University Law School	Representative Member
Sturley, Michael	07/09/2017	12/31/2019	University of Texas School of Law	Representative Member
Teitz, Louise Ellen	07/09/2017	12/31/2019	Roger Williams University School of Law	Representative Member
Trooboff, Peter	07/09/2017	12/31/2019	Covington & Burling	Representative Member
Wallace, Don	07/09/2017	12/31/2019	International Law Institute	Representative Member
Weise, Steven	07/09/2017	12/31/2019	Proskauer Rose	Representative Member
Winship, Peter	07/09/2017	12/31/2019	Southern Methodist University	Representative Member

**Number of Committee Members Listed: 36**

## Narrative Description

The Committee provides pro bono expertise to assist the Department as it develops positions on international private law matters arising usually in the work of intergovernmental bodies, such as the United Nations Commission on International Trade Law (UNCITRAL); the Hague Conference on Private International law; and the International Institute for the Unification of Private Law (UNIDROIT).

**What are the most significant program outcomes associated with this committee?**

Checked if Applies

Improvements to health or safety



Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

### Outcome Comments

Guidance concerns formulation of uniform international law standards in private law fields such as commerce, transportation, judicial and arbitral processes, and international family law.

### What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

### Cost Savings Comments

Considerable benefits accrue to U.S. interests on commercial law, transportation and judicial and arbitral process, although identifying actual savings or increased commercial benefits is not readily feasible. Similarly, in the family law field, benefits achieved cannot readily be quantified in terms of cost.

### What is the approximate Number of recommendations produced by this committee for the life of the committee?

50

### Number of Recommendations Comments

No new recommendations have been made in recent years. In recent years, the participants in the Committee meetings have been convened to allow for discussion.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

34%

**% of Recommendations Fully Implemented Comments**

We have not had any new recommendations recently. At most, we have taken additional steps to fully implement past recommendations.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

10%

**% of Recommendations Partially Implemented Comments**

We have not had any new recommendations recently. At most, we have taken additional steps to work toward implement past recommendations.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

**Agency Feedback Comments**

General consultation between the Office of the Assistant Legal Adviser for Private International Law (L/PIL), the office within the Legal Adviser's Office responsible for managing the Advisory Committee, and Bureaus within the Department of State, such as the Bureau of International Organizations, Economic and Business Affairs, Consular Affairs and others.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input checked="" type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Action Comments**

Some activities in private international law result in proposals to Congress for adoption of multilateral treaties.

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

NA

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

N/A